IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

REVIEW PETITION NO.27 OF 2005
IN
WRIT PETITION NO.6402 OF 2004

Vilas Dattatray Khade ..Petitioner

Vs.

The State of Maharashtra & Ors. ..Respondents

Mr.N.V.Bandiwadkar for Petitioner
Mr.R.D.Rane, A.G.P. for Respondents 1,2 & 4

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 24TH MARCH, 2005.

P.C.

. By the present Petition Petitioner prays for review of the order dated 7th March, 2005. It is firstly pointed out that W.P. No.845 of 1998 was filed by the Petitioner. That contention seems to be factually correct. In the light of that in order dated 7th March, 2005 in Writ Petition No. 6402 of 2004 in paragraph No.1 from the 5th line, from the words beginning with "Petitioner and ending ...24th June, 1997" are deleted.

. It is then contended that pursuant to the show-cause notice dated 12th June, 2003 the Petitioner had sought for a copy of the report as is referred to in the show-cause notice . That has not been given. The Authorities therefore, could not

have relied upon the report and consequently the order requires to be reviewed. The report was sought on the basis of the notice dated 4th February, 2004.

. We have heard learned Counsel for the Petitioner. By the show-cause notice dated 12th June, 2003 the Petitioner was called upon to produce documentary evidence to show his relationship with the Freedom Fighter and secondly that the Petitioner was dependent upon the Freedom Fighter. The Petitioner did not produce any such positive document to establish his relationship. The mere fact that the report was not made available therefore, is immaterial. The Petitioner sought benefit on the ground that he is the relative of a Freedom Fighter. It was for him to establish his relationship. That has not been done.

. It was then contended that if the services of the Petitioner were to be terminated/dismissed and enquiry had to be conducted. In the instant case the show-cause notice was based on wrong information given at the time of entering in the service. It is open to the Respondents if wrong information is given to terminate the employment after giving a show-cause notice. That has been done. We do not find therefore, that order of 7th

March, 2005 suffers from any error of law apparent on the face of the record.

. In the light of that Review Petition is disposed of. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)